

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HERMAN CHARLES TELLIS,

Plaintiff,

v.

ALASKA AIRLINES, INC.,

Defendant.

Case No.2:17-cv-00901-RAJ

ORDER

**I. INTRODUCTION**

This matter comes before the Court on Plaintiff's Motion for Reconsideration. Dkt. # 60. For the reasons below, Plaintiff's motion is **DENIED**.

**II. BACKGROUND**

The facts of this case are set forth in greater detail in a previous Order issued by the Court. Dkt. # 44. Those facts will not be repeated and are incorporated in this Order. As relevant here, after the Court granted leave to amend, Plaintiff filed a Fourth Amended Complaint on June 20, 2018. Dkt. # 45. On July 5, 2018, Defendant filed its Motion to

1 Dismiss Plaintiff's Fourth Amended Complaint pursuant to Federal Rule of Civil  
2 Procedure 12(b)(6). On October 25, 2018, the Court granted Defendant's motion. Dkt. #  
3 60.

### 4 5 **III. DISCUSSION**

6 Motions for reconsideration are disfavored under the Local Rules for the Western  
7 District of Washington. *See* LCR 7(h)(1). Thus, "in the absence of a showing of manifest  
8 error in the prior ruling or a showing of new facts or legal authority which could not have  
9 been brought to [the Court's] attention earlier with reasonable diligence," such motions  
10 will ordinarily be denied. *Id.* Motions for reconsideration must be filed within fourteen  
11 (14) days of the order on which the motion is based. LCR 7(h)(2).

12 While a previous order can be reconsidered and amended under Rule 59(e), the rule  
13 offers an "extraordinary remedy" to be used sparingly. A motion to reconsider "should not  
14 be granted, absent highly unusual circumstances, unless the district court is presented with  
15 newly discovered evidence, committed clear error, or if there is an intervening change in  
16 the controlling law." *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003) (quoting *Kona*  
17 *Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000); Fed. R. Civ. P. 59.  
18 Rule 60(b) allows a party to seek relief from an order under a "limited set of circumstances,  
19 including fraud, mistake, and newly discovered evidence." *Harvest v. Castro*, 531 F.3d  
20 737, 744 (9th Cir. 2008); Fed. R. Civ. P. 60(b).

21 Plaintiff argues that this case should be reopened because his Fourth Amendment  
22 Complaint was filed absent leave from this Court. Dkt. # 60. Accordingly, Plaintiff  
23 appears to believe that all subsequent orders and motions are inherently erroneous. *Id.*  
24 This argument fails because the Court explicitly granted Plaintiff leave to amend and  
25 ordered that he file his Fourth Amended Complaint within twenty days of that order. *See*  
26 Dkt. # 44 ("To the extent that Plaintiff moves for leave to amend his complaint to allege a  
27 violation of 29 C.F.R. § 1625.22, his Motion is GRANTED."). As Plaintiff provides no

1 basis for reconsideration, Plaintiff's motion is **DENIED**. Dkt. # 60.

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3 DATED this 17th day of July, 2019.

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6 The Honorable Richard A. Jones  
7 United States District Judge  
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